



**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

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3141/0717

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2001 L STREET NW  
SUITE 750  
WASHINGTON DC 20036

**NOTICE OF ALLOWANCE  
AND ISSUE FEE DUE**

- ☐ Note attached communication from the Examiner  
☐ This notice is issued in view of applicant's communication filed

SERIES CODE/SERIAL NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT	DATE MAILED
08/392,247	02/22/95	013	MORANO IV, S	3103 07/17/96
First Named Applicant: BERDUT, ELBERTO				

TITLE OF INVENTION: LEVITATION SYSTEM USING PERMANENT MAGNETS FOR USE WITH TRAINS AND THE LIKE TYPE OF RIGHT-OF-WAY VEHICLES (AS AMENDED)

ATTY'S DOCKET NO.	CLASS-SUBCLASS	BATCH NO.	APPLN. TYPE	SMALL ENTITY	FEE DUE	DATE DUE
3 BER-005/CIP	104-283.000	013	UTILITY	YES	\$625.00	10/17/96

**THE APPLICATION IDENTIFIES ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED.**

**THE ISSUE FEE MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.**

**HOW TO RESPOND TO THIS NOTICE:**

- I. Review the SMALL ENTITY Status shown above.  
If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

- A. If the status is changed, pay twice the amount of the FEE DUE shown above and notify the patent and Trademark Office of the change in status, or  
B. If the Status is the same, pay the FEE DUE shown above.

If the SMALL ENTITY is shown as NO:

- A. Pay FEE DUE shown above, or  
B. File verified statement of Small Entity Status before, or with, pay of 1/2 the FEE DUE shown above.

- II. Part B of this notice should be completed and returned to the Patent and Trademark Office (PTO) with your ISSUE FEE. Even if the ISSUE FEE has already been paid by charge to deposit account, Part B should be completed and returned. If you are charging the ISSUE FEE to your deposit account, Part C of this notice should also be completed and returned.

- III. All communications regarding this application must give series code (or filing date), serial number and batch number. Please direct all communication prior to issuance to Box ISSUE FEE unless advised to contrary.

**IMPORTANT REMINDER: Patents Issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.**



## UNITED STATES DEPARTMENT OF COMMERCE

## Patent and Trademark Office

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Washington, D.C. 20231

Notice of Allowability

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/392,247

02/22/95

BERDUT

E

BER-005/CIP

MOBAND EXAMINER

31M1/0717

ART UNIT

PAPER NUMBER

3103

9

DATE MAILED:

07/17/96

RONALD F. KANANEN  
MARKS AND KURAGE  
2001 L STREET NW  
SUITE 750  
WASHINGTON DC 20036

**Please find below and/or attached an Office communication concerning this application or proceeding.**

A SHORT EXAMINATION OF THE APPLICATION FOR PATENT RESPONSE TO THE OFFICE ACTION IS REQUIRED. THE RESPONSE SHOULD BE FILED WITHIN THREE MONTHS FROM THE DATE MAILED. THE RESPONSE SHOULD BE FILED WITH THE COMMISSIONER OF PATENTS AND TRADEMARKS.

Note the attached EXAMINER'S AMENDMENT TO THE INFORMAL APPLICATION. THE AMENDMENT IS A SUBSTITUTE FOR THE ORIGINAL APPLICATION'S AMENDMENT.

**Amendment to the Application**

- ☐ Because the originally filed drawings were deemed by applicant to be deficient.
- ☐ The drawing correction required by the Notice of Draftsman's Patent Drawing Review, PTO-948, dated 07/17/96, is being filed.

☒ Including changes required by the proposed drawing correction filed on July 1, 1996 and approved by the examiner.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the reverse side of the drawings. The drawings should be filed on a separate page with a transmittal letter addressed to the Official Draftsman.

Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Any response to this letter should include, in the upper left hand corner, the APPLICATION NUMBER, OFFICE CODE SERIAL NUMBER. If applicant has received a Notice of Allowance and Issue Fee Due, the OFFICE BATCH NUMBER and DATE of the NOTICE OF ALLOWANCE should also be included.

**Attachment(s)**

- ☐ Notice of References Cited, PTO-892
- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s) \_\_\_\_\_
- ☐ Notice of Draftsman's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152
- ☒ Interview Summary, PTO-412
- ☒ Examiner's Amendment Comment
- ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
- ☐ Examiner's Statement of Reasons for Allowance

# Notice of Allowability

Application No.

08/392,247

Applicant(s)

Berdut

Examiner

S. Joseph Morano

Group Art Unit

3103



All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance and Issue Fee Due or other appropriate communication will be mailed in due course.

☒ This communication is responsive to Amendment filed 7/5/96

☒ The allowed claim(s) is/are 1-11 and 13-15

☐ The drawings filed on \_\_\_\_\_ are acceptable.

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE **THREE MONTHS** FROM THE "DATE MAILED" of this Office action. Failure to timely comply will result in ABANDONMENT of this application. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

☐ Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION, PTO-152, which discloses that the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.

☒ Applicant MUST submit NEW FORMAL DRAWINGS

☐ because the originally filed drawings were declared by applicant to be informal.

☐ including changes required by the Notice of Draftsperson's Patent Drawing Review, PTO-948, attached hereto or to Paper No. \_\_\_\_\_

☒ including changes required by the proposed drawing correction filed on Jul 5, 1996, which has been approved by the examiner.

☐ including changes required by the attached Examiner's Amendment/Comment.

**Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the reverse side of the drawings. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.**

☐ Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Any response to this letter should include, in the upper right hand corner, the APPLICATION NUMBER (SERIES CODE/SERIAL NUMBER). If applicant has received a Notice of Allowance and Issue Fee Due, the ISSUE BATCH NUMBER and DATE of the NOTICE OF ALLOWANCE should also be included.

## Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

☒ Interview Summary, PTO-413

☒ Examiner's Amendment/Comment

☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

☐ Examiner's Statement of Reasons for Allowance

Art Unit: 3103

1. An Examiner's Amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 C.F.R. § 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the Issue Fee.

Authorization for this Examiner's Amendment was given in a telephone interview with Jeff Thompson on 7/16/96.

1) On line 3 of claim 5, "magnet members" has been changed to --magnets--.

2) On line 3 of claim 10, "a" (second occurrence) has been changed to --the--.

3) On line 21 of claim 11, "magnetic members" has been changed to --permanent magnets--.

4) Claim 13 has been canceled.

2. Any inquiry concerning this communication should be directed to S. Joseph Morano at telephone number (703) 308-0230. Examiner Morano can normally be reached Monday through Thursday, 6:30am-5:00pm.

*Informal* faxes (drafts, proposals) should be sent to (703) 308-2571, while *formal* faxes for which entry is desired should be sent to (703) 305-7687.

sjm  
July 16, 1996

*Edward*  
*7/16/96*

*S. J. Morano*  
S. JOSEPH MORANO  
PATENT EXAMINER  
GROUP 310